

REMARKS

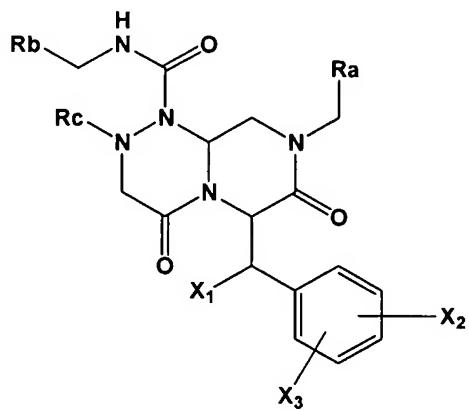
Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested. Claims 8, 12, 13 and 43 are pending. Claims 8 and 43 have been amended to clarify the claimed subject matter. Support for such amendments may be found at page 8, line 12 to page 10, line 17; page 27, line 4 to page 28, line 3; page 29, lines 1-12; and Examples 15 and 16 of the present application. No new matter has been added.

Rejections Under 35 U.S.C. 112, Second Paragraph

Claims 8, 12, 13 and 43 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. More specifically, it is asserted in the Action that:

1. Recitation of Y is oxygen, sulfur or nitrogen of a group selected from R_a , R_b , R_c , X_1 , X_2 and X_3 in claim 8 renders claim 8 and its dependent claims indefinite as it is not clear as recited what is $Y-R^{10}$ group is when Y is part of X_1 , X_2 and X_3 . As seen, claim 8, X_1 , X_2 and X_3 are defined as hydrogen, hydroxyl and halide. It is not clear where in these said groups Y is linked. It is not clear how the R_{10} group will be appended.
2. In addition, R_{10} recites amino acid, which is a class of compound not a group. An appropriate correction is needed.

To facilitate allowance, Applicants have amended claim 8 to clarify the claimed subject matter. More specifically, amended claim 8 now is directed to a compound having the formula (VII), that is, (VI)-R₁₀, wherein (VI) is the formula:



Claim 8 further recites that “one of R_a, R_b, R_c, X₁, X₂, and X₃ is linked to R₁₀ via Y, Y is an oxygen, sulfur, or nitrogen in R_a, R_b, or R_c, or an oxygen in X₁, X₂, or X₃; and Y-R₁₀ is phosphate, hemisuccinate, dimethylaminoacetate, an amino acid residue, or a salt thereof, or R₁₀ is phosphoryloxymethyloxycarbonyl or a salt thereof.” It is now clear from amended claim 8 that in certain embodiments when it is part of X₁, X₂, or X₃, Y is an oxygen; Y-R₁₀ is phosphate, hemisuccinate, dimethylaminoacetate, an amino acid residue, or a salt thereof, or R₁₀ is phosphoryloxymethyloxycarbonyl or a salt thereof; and R₁₀ is linked to X₁, X₂, or X₃ via Y. In addition, amended claim 8 recites “an amino acid residue” instead of “amino acid.”

In view of the above remarks, Applicants submit that this ground of rejection under 35 U.S.C. 112, second paragraph, has been overcome. Withdrawal of these rejections is respectfully requested.

Potentially Relevant Applications

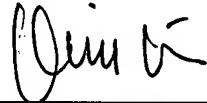
Applicants submit that the following applications may be relevant to the present application: Application Nos. 09/844,519 (abandoned), 10/013,942 (abandoned), 10/449,822 (pending), 11/242,653 (pending), 10/087,005 (issued as Pat. No. 6,762,185), and 10/928,626 (pending).

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants believe that all of the claims remaining in the application (*i.e.*, claims 8, 12, 13, and 43) are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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